

## April Barker

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**From:** April Barker  
**Sent:** Wednesday, September 2, 2020 3:10 PM  
**To:** WalkerL@ballardspahr.com; Friedman, James; Kevin Vick; Jean-Paul Jassy  
**Cc:** George Burnett; Michael Griesbach; Debra L. Bursik  
**Subject:** Colborn v. Netflix

Hi all,

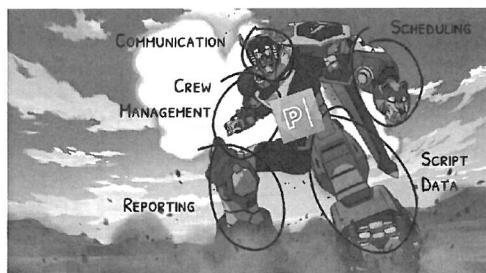
I hope that you and your families are all well.

We are writing to revisit the issue of our request for production of, at a minimum, the raw footage that was edited for the MAM episodes, for the reasons explained at pages 65-66 of our brief in response to the most recent motion to dismiss.

While we are aware that you take the position that these are not germane to the issues presented by your motion, we disagree. Moreover, we are aware of no rule that categorically bars discovery at this point in the case.

Recently, the following article was brought to my attention:

<https://netflixtechblog.com/netflixs-production-technology-voltron-ab0e091d232d>



### Netflix's Production Technology = Voltron | by Netflix Technology Blog | Netflix TechBlog

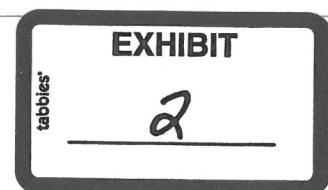
by Chris Goss. Change management is hard. In everyday production, there are numerous factors working against embracing change. Limited preparation time, whole new show = whole new crew, innumerable planning variables, and the challenge of driving an operational plan based on creative instinct

[netflixtechblog.com](http://netflixtechblog.com)

It asserts, among other things, that:

Netflix adopted Google Cloud's G Suite in 2013. This means our entire corporate file sharing platform is Google Drive. Thousands of users, millions of files within the cloud — accessible everywhere.

Given the likelihood, according to this article, that the information we seek is electronically available to any number of Netflix representatives and is likely accessible from anywhere, it appears that we may have been duped into understanding that this material cannot be safely produced during the pandemic.



It has also been brought to my attention that Netflix, like many other television and movie producers, is poised to resume filming in September on some productions despite the conditions of the pandemic. Accordingly, even assuming that the raw footage is not readily available through electronic file-sharing, it appears unlikely that current conditions would prevent all access to the areas in which these materials are stored.

I also note that I have received four separate document significant productions in other cases just in the past several weeks. Therefore, other firms are finding ways to produce documents in a timely manner.

We would appreciate a candid response as to whether the raw footage is technologically accessible and regarding its availability.

If we cannot secure some basic cooperation in obtaining access to this material so that we can determine whether any of it may warrant a supplemental response to the pending motion to dismiss as to the merits, then in the interests of advocating for our client's interests, we will have to proceed to file a motion to compel after requesting a telephonic meet-and-confer session to discuss the issue.

Thank you,  
April